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20529

7590

06/17/2008

NATH & ASSOCIATES
112 South West Street
Alexandria, VA 22314

EXAMINER

AILES, BENJAMIN A

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 06/17/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,228	06/29/2001	Thomas Lee Watson	82722	9439
TITLE OF INVENTION: SYSTEM AND METHOD FOR ROUTER VIRTUAL NETWORKING				

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	09/17/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

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P.O. Box 1450
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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20529 7590 06/17/2008

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Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	NO	\$1440	\$300	\$0	\$1740	09/17/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
AILES, BENJAMIN A	2142	709-220000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/147; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 972 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 972 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

09/896,228

Examiner

BENJAMIN AILES

Applicant(s)

WATSON ET AL.

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/24/2008.
2. ☒ The allowed claim(s) is/are 1,3-30,32-54.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 6/29/2001
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Patrice Winder/
Primary Examiner, Art Unit 2145

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 24 March 2008 has been entered.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Harold Novick (Reg. No. 26,011) on 29 May 2008.

The application has been amended as follows: Please replace the claims listing as noted below under the headed "Listing of Claims" on the following page:

Listing of Claims:

1. (previously presented) A system of virtual router domains comprising:

a host router running a common operating system and a master control processor implemented in virtual networking (v-net) domains capable of separating routing tables used internally from externally visible routes;

the host router having a capability of running plural independent processes and routing application copies corresponding to the independent process, but sharing said common operating system;

each of at least a subset of said v-net domains running DRP and SNMP processes, and establishing virtual routers, thereby establishing said v-net domains by ones of said independent processes, the v-net domains logically partitioned into ones of said v-net domains within said host router, each said v-net domain having a unique v-net domain ID address and an independent replica array of all global variables across said common operating system, each said process running in a said v-net domain independently of all other said v-net domains on top of said common operating system; and

said global variables being accessed by macro references in each said v-net domain.

2. (canceled)

3. (currently amended) The system of claim 2~~1~~ wherein said common operating system is a version of FreeBSD.

4. (previously presented) The system of claim 1 wherein said common operating system manages the reporting of hardware failures across all v-net domains of said host router.

5. (original) The system of claim 1 wherein said plurality of processes comprising routing software applications.

6. (original) The system of claim 5 wherein said plurality of processes comprise independent plural identical copies of at least one said process.

7. (original) The system of claim 5 wherein said plurality of processes comprise a copy of a dynamic routing protocol (DRP) software application.

8. (original) The system of claim 1 wherein said plurality of processes comprise a copy of a SNMP application.

9. (previously presented) The system of claim 1 wherein said macros generate an array of said global variables when said v-net domain is configured in.

10. (previously presented) The system of claim 9 wherein said macros generate scalar global variables when said v-net domain is deconfigured.

11. (previously presented) The system of claim 1 further comprising a plurality of interfaces partitioned interchangeably among said v-net domains, such that a particular interface is associated with only one such v-net domain at one time, but can be repartitioned among said v-net domains to reconfigure said host router.

12. (original) The system of claim 11 wherein during said reconfiguring network traffic is removed from said interfaces that are repartitioned.

13. (previously presented) The system of claim 11 wherein said interface contains the unique domain ID address of said v-net domain with which said interface is associated.

14. (original) The system of claim 13 wherein said interface is an interface port of said host router.

15. (original) The system of claim 14 wherein said host router comprises at least 320 said interface ports.

16. (previously presented) The system of claim 14 further comprising a socket created by at least one said process, said socket being associated exclusively with the v-net domain in which it is created and containing said unique domain ID address of said domain in which it is created.

17. (previously presented) The system of claim 16 wherein multiple sockets are created by said at least one process in at least one said v-net domain, such that each of said multiple sockets is associated exclusively with the v-net domain in which said socket is created.

18. (previously presented) The system of claim 17 wherein said at least one process is movable from one said v-net domain to a different said v-net domain, such that said at least one process creates a said socket in each of at least two said v-net domains.

19. (previously presented) The system of claim 17 wherein a particular socket associated with a particular v-net domain is applied exclusively to live traffic networking independently of any other said v-net domain of said host router.

20. (previously presented) The system of claim 17 wherein a particular socket associated with a particular v-net domain is applied exclusively to a test bed operation independently of any other said v-net domain of said host router.

21. (previously presented) The system of claim 16 wherein each of said v-net domains maintains an independent routing table.

22. (previously presented) The system of claim 21 wherein each said socket uses the routing table of said v-net domain in which said socket is created.

23. (previously presented) The system of claim 21 wherein said two distinct v-net domains use the same Internet Protocol (IP) addresses without conflicting.

24. (previously presented) The system of claim 21 wherein one particular v-net domain within said host router contains routing tables exclusively for internal interface addresses within said host router independently of any other said v-net domain of said host router.

25. (previously presented) The system of claim 21 wherein a particular v-net domain within said host router contains routing tables exclusively for interfaces externally visible from outside said host router independently of any other said v-net domain of said host router.

26. (previously presented) The system of claim 21 wherein a failure of one of said plurality of said v-net domains does not adversely affect a different one of said plurality of said v-net domains.

27. (currently amended) A method of logically partitioning a host router into virtual router domains, comprising:

configuring the kernel of a single common operating system running in said host router implemented in multiple virtual networking (v-net) domains capable of separating route tables used internally from externally visible routes;

configuring at least one independent process and application copy corresponding to the independent process to run on said host router, in a manner to permit running a plurality of said independent processes and routing application copies corresponding to the independent processes, but sharing said common operating system;

configuring each of at least a subset of said v-net domains running DRP and SNMP processes, and establishing virtual routers, thereby establishing said v-net domains by ones of said independent processes within said host router;

identifying each said v-net domain by a unique domain index number;

generating an independent identical set of replica arrays of global variables for each v-net domain; ~~and~~

each of at least a subset of said v-net domains running DRP and SNMP processes, and establishing virtual routers, thereby establishing said v-net domains by ones of said independent processes, the v-net domains logically partitioned into ones of said v-net domains within said host router, each said v-net domain having a unique v-net domain ID address and an independent replica array of all global variables across said common operating system, each said process running in a said v-net domain independently of all other said v-net domains on top of said common operating system; and

associating a process with each said v-net domain of said host router, such that said processes run in said v-net domains independently of one another on top of said single common operating system of said host router using a master control processor.

~~each of at least a subset of said v-net domains running DRP and SNMP processes, and establishing virtual routers, thereby establishing said v-net domains by ones of said independent processes, the v-net domains logically partitioned into ones of said v-net domains within said host router, each said v-net domain having a unique v-net domain ID address and an independent replica array of all global variables across said common operating system, each said process running in a said v-net domain independently of all other said v-net domains on top of said common operating system; and~~

28. (original) The method of claim 27 wherein said global variables are generated by macros.

29. (previously presented) The method of claim 28 wherein said macros generate arrays of global variables when said v-net domain is configured in within said host router.

30. (previously presented) The method of claim 29 wherein said macros generate scalar global variables when said v-net domain is deconfigured.

31. (cancelled)

32. (currently amended) The method of claim ~~34~~27 wherein said single common operating system is a version of FreeBSD.

33. (original) The method of claim 27 wherein said processes comprise routing software applications.

34. (original) The method of claim 33 further comprising independently running plural identical copies of at least one said process.

35. (original) The method of claim 33 wherein said processes comprise a copy of a dynamic routing protocol (DRP) software application.

36. (original) The method of claim 27 wherein each said process manages an instantiation of a common networking code.

37. (previously presented) The method of claim 27 further comprising partitioning a plurality of host router interfaces interchangeably among said v-net domains, such that a particular interface is associated with only one such v-net domain at one time.

38. (previously presented) The method of claim 37 further comprising repartitioning said plurality of interfaces among said v-net domains, such that said host router is reconfigured.

39. (original) The method of claim 38 wherein during said reconfiguring network traffic is removed from said interfaces that are repartitioned.

40. (previously presented) The method of claim 37 wherein said interface contains the unique domain index number of said v-net domain with which said interface is associated.

41. (original) The method of claim 40 wherein said interface is an interface port of said host router.

42. (original) The method of claim 41 wherein said host router comprises at least 320 said interface ports.

43. (previously presented) The method of claim 41 wherein said process creates a socket, such that said socket is associated permanently and exclusively with the v-net domain in which it is created and containing said unique domain index number of said domain in which it is created.

44. (previously presented) The method of claim 43 wherein multiple sockets are created by at least one said process in at least one said v-net domain, such that each of said multiple sockets is associated permanently and exclusively with the v-net domain in which said socket is created.

45. (previously presented) The method of claim 44 further comprising moving said at least one process from one said v-net domain to a different said v-net domain, such that said at least one process creates a said socket in each of at least two said v-net domains.

46. (previously presented) The method of claim 44 wherein said process maintains a file descriptor table containing pointers to said sockets associated with said v-net domain.

47. (previously presented) The method of claim 46 wherein a particular socket associated with a particular v-net domain is applied exclusively to live traffic networking independently of any other said v-net domain of said host router.

48. (previously presented) The method of claim 46 wherein a particular socket associated with a particular v-net domain is applied exclusively to a test bed operation independently of any other said v-net domain of said host router.

49. (previously presented) The method of claim 43 wherein each of said v-net domains maintains an independent routing table.

50. (previously presented) The method of claim 49 wherein each said socket uses the routing table of said v-net domain in which said socket is created.

51. (previously presented) The method of claim 49 wherein said two distinct v-net domains use the same Internet Protocol (IP) addresses without conflicting.

52. (previously presented) The method of claim 49 wherein one particular v-net domain within said host router contains routing tables exclusively for internal interface addresses within said host router independently of any other said v-net domain of said host router.

53. (previously presented) The method of claim 49 wherein a particular v-net domain within said host router contains routing tables exclusively for interfaces externally visible from outside said host router independently of any other said v-net domain of said host router.

54. (previously presented) The method of claim 49 wherein a failure of one of said plurality of said v-net domains does not adversely affect a different one of said plurality of said v-net domains.

Allowable Subject Matter

2. Claims 1, 3-30 and 32-54 allowed.
3. The following is an examiner's statement of reasons for allowance:
4. The main cited prior art reference cited, Rao et al. (US 6,674,756 B1) teaches a physical network switch partitioned into a plurality of virtual routers wherein each virtual router is allocated a set of resources and a set of routing tables. Rao and other prior art fail to explicitly teach or suggest "the partitioning of virtual network (v-net) domains logically so as to provide an independent replica array of all global variables across a common operating system wherein the v-net domains run DRP and SNMP processes and the processes run in the domains independently on top of the common operating system" as claimed by the applicant. Therefore, the pending claims are considered allowable over the cited prior art of record.
5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin Ailes whose telephone number is (571)272-3899. The examiner can normally be reached Monday-Friday, 5:30-8:30AM, 1:00-6:00PM, IFP Hoteling schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrice Winder/
Primary Examiner, Art Unit 2145

BAA